

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION STUDENT-
ATHLETE CONCUSSION LITIGATION**

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MDL No. 2492

Master Docket No. 1:13-cv-09116

Judge John Z. Lee

Magistrate Judge M. David Weisman

**JOINT STATUS REPORT ON NCAA MEMBER
INSTITUTIONS THAT HAVE COMPLIED WITH SUBPOENAS**

Settlement Class Representatives Derek Owens, et al., (“Settlement Class Representatives”) and Defendant National Collegiate Athletic Association (the “NCAA,” and together with Plaintiffs, the “Parties”), through their counsel, jointly submit the following status report on NCAA member institutions that have complied with subpoenas requesting last-known contact information for student-athletes.¹

1. On May 9, 2017, the Court ordered the filing of a motion for a rule to show cause for any NCAA member institutions that had not complied with subpoenas requesting last-known contact information for members of the Settlement Class. See Minute Entry (Dkt. #405). At a May 23, 2017 hearing, the Court ordered that the foregoing motion for a rule to show cause be filed by June 6, 2017.

2. On June 6, 2017, Settlement Class Representatives moved this Court for entry of an order directing seven (7) NCAA member institutions that had not yet complied with the

¹ Capitalized terms in this submission have the meaning ascribed to them in the Second Amended Class Action Settlement Agreement and Release, which is Exhibit 1 to the Joint Motion for Preliminary Approval of Second Amended Class Settlement and Certification of Settlement Class and Settlement Subclasses. See Second Am. Settlement Agt. (Dkt. #266-1).

foregoing subpoenas to show cause why they should not be held in contempt (the “Motion”).

See Motion for Order on Rule to Show Cause (Dkt. #414).²

3. Since the Motion was filed, the following NCAA member institutions have complied with the subpoenas: Lemoyne-Owen College; Saint Augustine’s University; The College of New Rochelle; the University of Puerto Rico, Bayamon; and Lane College. See Spellman Decl., Ex. A hereto, at ¶ 5.

Dated: June 19, 2017

Respectfully submitted,

By: /s/ Steve W. Berman (w/ consent)
Settlement Class Counsel

By: /s/ Johanna M. Spellman
Liaison Counsel for Defendant
National Collegiate Athletic Association

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² Six (6) of the seven (7) NCAA member institutions identified in the Motion have been served with a copy of the Motion and accompanying Notice of Motion. See Spellman Decl., Ex. A hereto, at ¶ 4. The process server was unable to effect service on the University of Puerto Rico, Rio Piedras, however, due to an ongoing strike that began on or around April 5, 2017. See id. On June 16, 2017, Counsel for the NCAA was able to reach a member of the Office of Legal Counseling of the University of Puerto Rico, Rio Piedras. See id. at ¶ 6. As noted previously, as of the filing of the Motion, Counsel for the NCAA had been unable to reach anyone at the University of Puerto Rico, Rio Piedras to discuss the subpoena. See Spellman Aff., Ex. A to Motion for Order on Rule to Show Cause (Dkt. #414-1), at ¶ 9(g). At the request of the member of the Office of Legal Counseling, Counsel for the NCAA sent copies of the subpoena and the Motion via email to the Director of the Legal Department of the President’s Office. See Spellman Decl., Ex. A hereto, at ¶ 6.

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CERTIFICATE OF SERVICE

I, Johanna M. Spellman, certify that on June 19, 2017, a true and correct copy of the forgoing JOINT STATUS REPORT ON NCAA MEMBER INSTITUTIONS THAT HAVE COMPLIED WITH SUBPOENAS was filed through the CM/ECF system, which caused notice to be sent to all counsel of record.

/s/ Johanna M. Spellman

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Exhibit A

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**IN RE: NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION STUDENT-
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MDL No. 2492

Master Docket No. 1:13-cv-09116

Judge John Z. Lee

Magistrate Judge M. David Weisman

DECLARATION OF JOHANNA SPELLMAN

I, Johanna Spellman, declare as follows:

1. I am an attorney with Latham & Watkins LLP, counsel of record for the National Collegiate Athletic Association (“NCAA”). On July 30, 2014, I was appointed by the Court as Liaison Counsel for the NCAA. I make this declaration based upon my personal knowledge, and I am competent to testify as to its contents.

2. On May 9, 2017, the Court ordered the filing of a motion for a rule to show cause as to any NCAA member institution that had not complied with subpoenas requesting last-known student-athlete contact information. At a May 23, 2017 hearing, the Court ordered that the foregoing motion for a rule to show cause be filed by June 6, 2017.

3. On June 6, 2017, Settlement Class Representatives moved this Court for entry of an order directing seven (7) NCAA member institutions that had not yet complied with subpoenas for last-known contact information for student-athletes to show cause why they should not be held in contempt (the “Motion”).¹

¹ Capitalized terms in this submission have the meaning ascribed to them in the Second Amended Class Action Settlement Agreement and Release, which is Exhibit 1 to the Joint Motion for Preliminary Approval of Second Amended Class Settlement and Certification of Settlement Class and Settlement Subclasses. See Second Am. Settlement Agt. (Dkt. #266-1).

4. Six (6) of the seven (7) NCAA member institutions identified in the Motion have been served with a copy of the Motion and accompanying Notice of Motion. The process server was unable to effect service on the University of Puerto Rico, Rio Piedras, however, due to an ongoing strike that began on or around April 5, 2017.

5. Since the Motion was filed, the following NCAA member institutions have complied with the subpoenas: Lemoyne-Owen College; Saint Augustine's University; The College of New Rochelle; the University of Puerto Rico, Bayamon; and Lane College.

6. On June 16, 2017, Counsel for the NCAA was able to reach a member of the Office of Legal Counseling of the University of Puerto Rico, Rio Piedras. At the request of that individual, Counsel for the NCAA sent copies of the subpoena and the Motion to the Director of the Legal Department of the President's Office.

EXECUTED on this 19th day of June, 2017, at Chicago, Illinois.

/s/ Johanna M. Spellman
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